

RESPONSE

This is a response to the Office Action dated September 22, 2005. Claims 1-25 are pending in the application. In the Office Action, the Examiner objected to various omissions in the substitute specification. The Examiner rejected claims 21 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,859,596 ("McRae"). Claims 1, 3-20 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of the prior art. Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of the prior art and further in view of Macrodyne Inc. Model 1690 Phasor Measurement Unit Product Description ("Macrodyne"). Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Power System Applications for Phasor Measurement Units ("Burnett").

The rejections from the Office Action of September 22, 2005 are discussed below in connection with the various claims. With this response, claims 1, 21 and 24 have been amended for clarity, and not for reasons relating to patentability, and claim 25 has been cancelled. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. SPECIFICATION OBJECTIONS

The Examiner previously objected to the specification as containing various informalities and typographic errors. With this response, a substitute specification has been provided which corrects all of the errors noted by the Examiner. No new matter has been added. A marked up version of the substitute specification has not been provided because the changes were mainly formatting changes to tables within the specification. With this Substitute Specification, Applicant has fixed paragraphs 58 and 132 to include the changes that were entered with the Preliminary Amendment of December 3, 2003, and that Applicant failed to enter in the most recent Substitute Specification, filed on May 20, 2005. The changes from the Substitute Specification, filed on May 20, 2005, are all included herein.

In particular, the following corrections were made on May 20, 2005 and are resubmitted in the attached Substitute Specification:

1. On pages 28-48, 50-68 and 71 the tables have been revised so that the spacing between all lines of each table is 1.5 lines;
2. On page 1, paragraph 0001, line 7, the patent application inadvertently identified as “08/798,923” has been corrected to “08/798,723”; and
3. On page, 40, line 2, currently page 45, line 9, the grammatical error “ar not” has been corrected to “are not.”

Accordingly, the Applicant respectfully request that the Examiner withdraw these objections to the Specification.

II. REJECTIONS UNDER 35 U.S.C. § 102

Independent claims 21 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by McRae (5,859,596). Applicant submits that McRae does not anticipate claims 21 and 24 for the reason that McRae does not disclose all of the elements of each claim.

Amended claim 24 relates to a monitoring device for an electric circuit. Claim 24 claims a system for measuring the delivery of electrical energy from an energy supplier comprising a digital network and monitoring devices coupled to the network. Amended claim 21 relates to a method for measuring the delivery of electrical energy from an energy supplier. In both claims, “each of said first device and said second device is coupled with said digital network through a plurality of communication ports,” wherein “at least one of said plurality of communication ports in said first device is operable to communicate with at least one of said plurality of communication ports in said second device.”

McRae discloses “a plurality of monitoring devices...connected to respective pieces of switchyard equipment and associated with a common communications network. A remote host computer is connected to the network to bi-directionally communicate with each monitoring device. The communications network is the existing power line used for delivering power and control signals to the switchyard equipment. Each monitoring device includes testing and/or monitoring circuitry for testing and/or monitoring one or more conditions of the piece of switchyard equipment and generating condition data therefrom, a storage device for storing the generated data, and a transmitter adapted to transmit the data to the remote location via the power line. The remote host computer receives the data

transmitted to the remote location and stores the received data therein in a database format. The monitoring device can request previously sent data from the remote host computer. The monitoring includes an RS-232 port for accepting a local computer which conducts tests of the switchyard equipment, analyzes the results, compares the results with previous tests, and reprograms alarm parameters and baseline values associated with the switchyard equipment.” McRae, Abstract.

Applicant submits that amended claims 21 and 24 are now in position for allowance because McRae fails to disclose a plurality of communication ports in a first and second device wherein at least one of the first device’s communication ports are operable to communicate with at least one of the communication ports of the second device. McRae does disclose a communications port 47 and a power line interface 52. McRae, Figure 3. The power line interface is connected to the power line, which operates as a network, however the communications port 47 in Figure 3 is merely connected to a node computer 30. McRae, Figure 3, Abstract, and Col. 4, lines 32-39. “The node computer 30 is a portable or notebook personal computer.” McRae, Col. 4, lines 32-33. The communications port 47 connects the device to the node computer and it is evident from Figure 1 that the node computer does not connect to a digital network or to the power line carrier, which operates as a digital network. Although McRae does disclose two communication ports, only one of the ports in McRae is connected to a network. As discussed above the other port (port 47) is connected to a node computer, rather than being connected to a digital network. Figures 1 and 3 show the monitoring device connecting to the power line (network) on one end and connecting to a node computer on the other, rather than being connected to the network through multiple communication ports.

The Examiner acknowledges that McRae “does not clearly [disclose] that there is a plurality of communication ports in the first device.” Office Action of 09/22/05, p. 5. For at least these reasons and the reasons discussed below regarding claim 1, McRae does not anticipate independent claims 21 and 24. Accordingly, Applicant requests that the Examiner withdraw this rejection of Claims 21 and 24.

Applicant would like to reserve the argument that McRae is not prior art. This application is a divisional of U.S. Pat. No. 6,694,270, which claims priority to U.S. Pat. No.

5,650,936, filed on December 30, 1994. Therefore, this application claims priority to December 30, 1994, whereas McRae was filed August 30, 1996 and issued January 12, 1999. However, regardless whether McRae is prior art, McRae fails to disclose all of the elements of the claims as discussed above.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

A. McRae in view of Applicant's Admissions of prior art

Independent claim 1 and dependent claims 3-20 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of the Applicant's admissions of prior art. The Examiner stated that page 14, paragraph 80 lines 1-3 of the substitute specification was an admission of the prior art.

The Applicant respectfully notes that paragraph 80 of the substitute specification is located in the "DETAILED DESCRIPTION OF THE PRESENTLY PREFERRED EMBODIMENTS" section of the application. The Applicant believes that the Examiner has misinterpreted the description. Paragraph 80, lines 1-6 discusses a phasor array processor according to one embodiment of the current disclosure:

The phasor array processor is preferably equipped with suitable hardware, such as RS-232, RS-485, ethernet or other industry standard communications ports, so that it is network-compatible with the network 60. The phasor array processor 130 may also be equipped with multiple communication ports which would allow it to connect to multiple phasor transducer devices or multiple central computers, or to allow multiple phasor array processors to be connected to a remote computer.

This disclosure is not an admission of prior art, but rather a description of an embodiment of the current disclosure. The description of communication ports in lines 1-2 is a listing of multiple industry standard communications ports. The plurality of communication ports, such as any of the industry standard communication ports, in multiple devices is part of the embodiment disclosed in the description of the presently preferred embodiments. Therefore, the Applicant contends there is no disclosure of the prior art because the Applicant is describing embodiments of the disclosure in paragraph 80. Specifically, the Applicant is stating that in one embodiment, the communication ports may be industry standard communication ports as listed in lines 1-2. The examples of an embodiment of the current

disclosure is not an admission of prior art. It is true that McRae discloses communication ports or even industry standard communication ports, but McRae fails to disclose a plurality of communication ports as in the claim 1.

The Examiner acknowledges that McRae “does not clearly [disclose] that there is a plurality of communication ports in the first device.” Office Action of 09/22/05, p. 5. Specifically, McRae fails to disclose a first and second device each comprising “a plurality of communication ports operable to send and receive communications over said digital network.” McRae further fails to disclose “each of the plurality of communication ports of said first device are further operable to communicate with at least one of the plurality of communication ports of said second device over said digital network” as in claim 1. As discussed above, McRae does not disclose a plurality of communication ports of a first device operable to communicate over the network with a second device. The second communication port disclosed (port 47) in McRae is not operable to communicate over the network with a second device. Accordingly, it would not be obvious to combine McRae with any reference merely disclosing multiple communication ports because McRae discloses one network communication port coupled with the network.

Dependent claims 3-20 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of the Applicant’s admissions of prior art. Claims 25 has been cancelled. Dependent claims 3-20 should be allowed for the reasons discussed above regarding independent claim 1. Applicant therefore requests that the Examiner withdraw this rejection to the claims.

B. McRae in view of Applicant’s Admissions of prior art and Macrodyne

Dependent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of the applicant’s admission of the prior art and further in view of Macrodyne. This claim should be allowed for the reasons set forth above for the independent claim. Neither McRae nor Macrodyne disclose all of the limitations of the independent claim from which claim 2 depends. Specifically, McRae and Macrodyne fail to disclose a first device with a plurality of communication ports coupled to a digital network operable to communicate with a communication port from a second device. As discussed above, the

applicant's disclosure was not an admission of the prior art, but rather was a description of an embodiment of the current disclosure. Accordingly, the Applicant requests that the Examiner withdraw these rejections of dependent claim 2.

C. McRae in view of Burnett Jr., et. al.

Dependent claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's admissions of the prior art. These claims should be allowed for the reasons set forth above for the independent claim. Neither McRae nor Burnett disclose all of the limitations of the independent claim from which claims 22 or 23 depend. In particular, McRae and Burnett fails to disclose a first device with a plurality of communication ports coupled to a digital network operable to communicate with a communication port from a second device. Accordingly, the Applicant requests that the Examiner withdraw these rejections of dependent claims 22 and 23.

Attached hereto is an unmarked substitute version of the specification..

CONCLUSION

Each of the rejections in the Office Action dated September 22, 2005 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date

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